

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COLEMAN-TOLL LIMITED
 PARTNERSHIP, a Nevada limited partnership,

Plaintiff,

vs.

ADMINISTRATION FOR COMMUNITY
 LIVING, DEPARTMENT OF HEALTH AND
 HUMAN SERVICES; and ADMINISTRATION
 FOR COMMUNITY HOUSING,

Defendants.

Case No. 2:15-cv-02148-GMN-GWF

ORDER

This matter is before the Court on Plaintiff's *Ex Parte* Motion for Order Authorizing Service of Defendant Administration of Community Housing by Publication (#9), filed on November 20, 2015.

Pursuant to Fed. R. Civ. P. 4(e), the state statutes in which the District Court is located are followed in matters pertaining to service of summons by publication. N.R.C.P. 4(e)(1)(i) states that the court may permit service by publication if, after due diligence shown, the plaintiff is unable to find the defendant(s) within the state, or they are avoiding the service of summons. The plaintiff must prove this to the satisfaction of the court either by affidavit or by a verified complaint. The Nevada Supreme Court has held that there is no objective, formulaic standard for determining what is, or is not, due diligence. *Abreu v. Gilmer*, 985 P.2d 746, 749 (1999). N.R.C.P. 4(e)(1)(ii) further states that service by publication is valid for "any action which relates to, or the subject of which is, real or personal property."

Plaintiff has shown by its motion and declaration, that after due diligence, Defendant Administration for Community Housing's current address cannot be found. Plaintiff has

1 demonstrated due diligence in attempting service that would warrant permitting service by
2 publication. Further, the subject of this litigation is real property. Accordingly,

3 **IT IS HEREBY ORDERED** that Plaintiff's *Ex Parte* Motion for Order Authorizing
4 Service of Defendant Administration of Community Housing by Publication (#9) is **granted**.
5 Defendant Administration for Community Housing may be served by Plaintiff through publication
6 of the summons and complaint in this case at least once a week for four (4) consecutive weeks in the
7 Las Vegas Review Journal, which is a newspaper of general circulation published in Las Vegas,
8 Nevada.

9 **IT IS FURTHER ORDERED** that Plaintiff shall have until **March 9, 2016**, to complete
10 service upon Defendant Administration for Community Housing.

11 DATED this 30th day of November, 2015.

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14 **GEORGE FOLEY, JR.**
15 **UNITED STATES MAGISTRATE JUDGE**
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